IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 12456 of 2005

Between:

Gandhe Bala Chandramurthy, S/o Sri G. Shankaraiah, Occ: Business,
H.No. 5-3-71, Paripally Street, Siddipet, Medak District.

..... PETITIONER

AND

1 The Superintendent of Police, Sangareddy, Medak District.
2 The Deputy Superintendent of Police. Sangareddy, Medak District.
3 The Circle Inspector of Police, Siddipet Town, Siddipet, Medak District.
4 Mr. Murthy Srinivas Reddy, S/o Sri M. Bhoom Reddy,
R/o Ankampet Village, Siddipet Mandal, Medak District.
5 Mr. Gummena Rajeshwar Rao, S/o Sri G. Kishan Rao,
R/o Ankampet Village, Siddipet Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the Respondents Nos. 1 and 2 in not 'CONSIDERING THE REPRESENTATION dated 19-5-2005 , submitted the Petitioner herein as illegal, arbitrary, unconstitutional and violative of Fundamental Rights guaranteed as Per Law and CONSEQUENTLY DIRECT the Respondent NO.3, NOT TO CALL THE PETITIONER INCLUDING HIS FAMILY MEMBERS TO THE POLICE STATION AND HARASS THEM WITHOUT REGISTERING ANY CASE.

Counsel for the Petitioner: MR.M.NAGA RAGHU

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

Counsel for Respondents 4 and 5: None appeared.

The Court made the following:

ORAL ORDER:

This Writ Petition is filed questioning the action of the 3rd respondent, in calling the petitioner and his family members to the Police Station and in allegedly harassing them without registering a case, as arbitrary and illegal.

2. The case of the petitioner, in the affidavit filed in support of the Writ Petition, is that the 3rd respondent in connivance with respondents 4 and 5 has been harassing the petitioner and his family members and is interfering in civil disputes. It is further stated that since no criminal complaint has been registers and inasmuch as the petitioner has not committed any crime, it is not open to the 3rd respondent to call either the petitioner or his family members to the Police Station.

3. A Counter affidavit has been filed by the 2nd respondent denying these allegations, wherein he stated that after conducting a detailed enquiry on the representation submitted by the petitioner, he had called respondents 4 and 5 to the Police Station. It is further stated that the petitioner had come to the Police Station on behalf of one Kistapuram Surender. Various averments are made in the said counter affidavit regarding the petitioner's conduct with regard to sale of different extents of land. It is further stated that the 3rd respondent had advised the petitioner, during the enquiry, not to indulge in such activities. The allegation that the petitioner was harassed, ill-treated or insulted by the 3rd respondent is denied. Various allegations with regard to the petitioner being called to the Police Station on 2.5.2005 and that the 3rd respondent had been harassing the petitioner and his family members calling them to the Police Station and making them to sit for hours together without any reason have also been denied as found to be incorrect. The allegation that the 3rd respondent sent Police Constables to the petitioner's residence late in the night asking the petitioner to come to the Police Station on the pretext of enquiry has also been denied as false.

4. A reply affidavit is filed by the petitioner to the allegations made against him in the counter affidavit filed by the 2nd respondent.

5. These allegations and counter allegations need not be gone into since the

alleged disputes between the petitioner and respondents 4 and 5 are admittedly civil in nature. Needless to state that police officials, including the 3rd respondent, should not interfere in civil disputes. This order shall, however, not be construed as disabling respondents 1 to 3 from taking such action as is required under law in case the petitioner is found to have been involved in any crime.

6. The Writ Petition is dismissed. No costs.

11.7.2005

SSR

To

1 The Superintendent of Police, Sangareddy, Medak District.
2 The Deputy Superintendent of Police. Sangareddy, Medak District.
3 The Circle Inspector of Police, Siddipet Town, Siddipet, Medak District.
4 2 CCs to G.P. for Home, High Court of A.P. Hyderabad. (OPUT)

5 2 CD copies

6 1 CC to MR.NAGA RAGHU

*Form-NIC-OGS/WP{**AVLR**}*